

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**I.T. PRODUCTIONS, LLC**

**Plaintiffs,**

**vs.**

**Sid Fields**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CASE NO. 3:16-CV-03073**

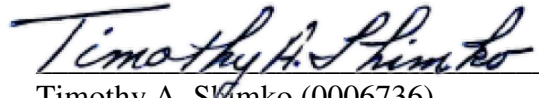
**JUDGE JACK ZOUHARY**

**PLAINTIFF'S MOTION TO  
DISMISS PURSUANT TO  
F.R.C.P. RULE 21 WITH  
PREJUDICE**

**NOW COMES**, the Plaintiff, and pursuant to Rule 21 of the Federal Rules of Civil Procedure moves this Court for an Order permitting the Plaintiff to dismiss its Complaint against Defendant, Sid Fields, with prejudice, on the grounds that Plaintiff's Counsel has taken the Deposition of Mr. Fields, during which Mr. Fields contended that although Plaintiff's Film had been down loaded to his computer that neither he nor his wife had downloaded Plaintiff's Film, and that it was probably his n'er-do-well son-in-law that had downloaded Plaintiff's claim. The Defendant went on to explain that he had custody of his grandchildren and that Defendant's Son-in-Law periodically visited the children and had accessed Defendant's computer on a number of occasions.

Based upon Defendant's deposition, the Plaintiff is inclined to accept Mr. Fields' explanation as to how Plaintiff's Film ended up on Defendant's computer. Accordingly, Plaintiff moves this Court for an Order dismissing Plaintiff's claims against Sid Fields in this matter be dismissed with prejudice.

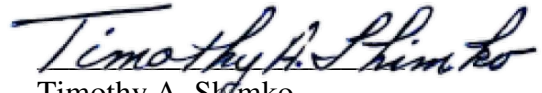
Respectfully Submitted,

A handwritten signature in blue ink that reads "Timothy A. Shimko". The signature is written in a cursive style with a horizontal line underneath.

Timothy A. Shimko (0006736)  
Shimko Law Offices LLC  
159 Crocker Park Blvd. Suite 400  
Westlake, Ohio 44145  
Tel. (216) 241-8300; Fax (216) 539-2015  
[tas@shimkolaw.com](mailto:tas@shimkolaw.com)  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2018, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A handwritten signature in blue ink that reads "Timothy A. Shimko". The signature is written in a cursive style with a horizontal line underneath.

Timothy A. Shimko,  
*Counsel for Plaintiff*